

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

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**WSOU Investments, LLC d/b/a Brazos  
Licensing and Development,**

Plaintiff,

v.

**NEC Corporation,**

Defendant.

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Case No.: 6:20-cv-00923-ADA

Case No.: 6:20-cv-00924-ADA

Case No.: 6:20-cv-00925-ADA

Case No.: 6:20-cv-00926-ADA

Case No.: 6:20-cv-00927-ADA

**Jury Trial Demanded**

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**DECLARATION OF STUART W. YOTHERS IN SUPPORT OF DEFENDANT'S  
OPPOSED MOTION FOR RECONSIDERATION OF PLAINTIFF'S MOTION TO  
STRIKE DEFENDANT'S OPENING CLAIM CONSTRUCTION SUBMISSION**

I, Stuart W. Yothers, an attorney admitted to practice before the Court in the above-captioned matter, and not a party to the matter, affirm the following under penalty of perjury:

1. I am a partner at Jones Day, counsel for Defendant NEC Corporation. I submit this declaration in support of Defendant NEC Corporation's Opposed Motion For Reconsideration Of Plaintiff's Motion To Strike Defendant's Opening Claim Construction Submission.

2. Attached as **Exhibit A** ("Ex. A") is a true and correct copy of Document 29 filed on the Court's docket on September 10, 2021 and titled Defendant NEC Corporation's Opening Claim Construction Brief.

3. Attached as **Exhibit A-1** ("Ex. A-1") is a true and correct copy of Document 29-1 filed on the Court's docket on September 10, 2021 and titled Declaration of Dr. Matthew Shoemake, Ph.D. Regarding Claim Construction.

4. Attached as **Exhibit A-2** ("Ex. A-2") is a true and correct copy of Document 29-2 filed on the Court's docket on September 10, 2021 and titled U.S. Patent No. 7,577,103.

5. Attached as **Exhibit A-3** (“Ex. A-3”) is a true and correct copy of Document 29-3 filed on the Court’s docket on September 10, 2021 and titled U.S. Patent No. 7,885,398.

6. Attached as **Exhibit A-4** (“Ex. A-4”) is a true and correct copy of Document 29-4 filed on the Court’s docket on September 10, 2021 and titled U.S. Patent No. 8,041,017.

7. Attached as **Exhibit A-5** (“Ex. A-5”) is a true and correct copy of Document 29-5 filed on the Court’s docket on September 10, 2021 and titled U.S. Patent No. 8,103,213.

8. Attached as **Exhibit A-6** (“Ex. A-6”) is a true and correct copy of Document 29-6 filed on the Court’s docket on September 10, 2021 and titled U.S. Patent No. 9,065,918.

9. Attached as **Exhibit A-7** (“Ex. A-7”) is a true and correct copy of Document 29-7 filed on the Court’s docket on September 10, 2021 and titled File History of U.S. Patent No. 8,041,017.

10. Attached as **Exhibit A-8** (“Ex. A-8”) is a true and correct copy of Document 29-8 filed on the Court’s docket on September 10, 2021 and titled File History of U.S. Patent No. 8,103,213.

11. Attached as **Exhibit A-9** (“Ex. A-9”) is a true and correct copy of Document 29-9 filed on the Court’s docket on September 10, 2021 and titled WSOU’s July 19, 2021 Proposed Claim Terms for Construction.

12. Attached as **Exhibit A-10** (“Ex. A-10”) is a true and correct copy of Document 29-10 filed on the Court’s docket on September 10, 2021 and titled Exhibit A to WSOU’s Aug. 5, 2021 Disclosure of Preliminary Claim Constructions.

13. Attached as **Exhibit A-11** (“Ex. A-11”) is a true and correct copy of Document 29-11 filed on the Court’s docket on September 10, 2021 and titled WSOU’s Aug. 19, 2021 Revised Preliminary Claim Constructions.

14. Attached as **Exhibit A-12** (“Ex. A-12”) is a true and correct copy of Document 29-12 filed on the Court’s docket on September 10, 2021 and titled WSOU’s Aug. 30, 2021 Updated Preliminary Claim Constructions.

15. Attached as **Exhibit A-13** (“Ex. A-13”) is a true and correct copy of Document 29-13 filed on the Court’s docket on September 10, 2021 and titled July 7, 2021 Letter from S. Yothers to J. Waldrop Re C.A. No. 6:20-cv-923.

16. Attached as **Exhibit A-14** (“Ex. A-14”) is a true and correct copy of Document 29-14 filed on the Court’s docket on September 10, 2021 and titled July 7, 2021 Letter from S. Yothers to J. Waldrop Re C.A. No. 6:20-cv-924.

17. Attached as **Exhibit A-15** (“Ex. A-15”) is a true and correct copy of Document 29-15 filed on the Court’s docket on September 10, 2021 and titled August 25, 2021 Email from J. Whitehill Re Exchange of Claim Constructions, with attachment.

18. Attached as **Exhibit A-16** (“Ex. A-16”) is a true and correct copy of Document 29-16 filed on the Court’s docket on September 10, 2021 and titled Excerpt from George McDaniel, IBM Dictionary of Computer (10<sup>th</sup> ed. 1994).

19. Attached as **Exhibit A-17** (“Ex. A-17”) is a true and correct copy of Document 29-17 filed on the Court’s docket on September 10, 2021 and titled Excerpt from Harry Newton, Newton’s Telecom Dictionary (21<sup>st</sup> ed. 2005).

20. Attached as **Exhibit A-18** (“Ex. A-18”) is a true and correct copy of Document 29-18 filed on the Court’s docket on September 10, 2021 and titled Excerpt from Microsoft Computer Dictionary (Alex Blanton & Sandra Haynes eds., 5<sup>th</sup> ed. 2000).

21. Attached as **Exhibit A-19** (“Ex. A-19”) is a true and correct copy of Document 29-19 filed on the Court’s docket on September 10, 2021 and titled Appendix A to Defendant NEC Corporation’s Opening Claim Construction Brief Regarding Additional § 112, ¶ 6 Terms.

22. Attached as **Exhibit A-20** (“Ex. A-20”) is a true and correct copy of Document 29-20 filed on the Court’s docket on September 10, 2021 and titled Appendix B Supplemental Declaration of Dr. Matthew Shoemake, Ph.D. Regarding Claim Construction.

23. Attached as **Exhibit B** (“Ex. B”) is a true and correct copy of an email exchange among the parties and the Court from August 26, 2021 through September 2, 2021.

24. Attached as **Exhibit C** (“Ex. C”) is a true and correct copy of email exchanges between counsel for the parties dated August 5, 2021 through September 3, 2021.

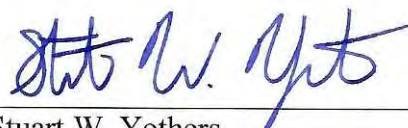
25. Attached as **Exhibit D** (“Ex. D”) is a true and correct copy of email exchanges between counsel for the parties dated August 5, 2021 through September 20, 2021.

26. Attached as **Exhibit E** (“Ex. E”) is a true and correct copy of email exchanges between counsel for the parties dated August 5, 2021 through September 20, 2021.

27. Attached as **Exhibit F** (“Ex. F”) is a true and correct copy of an email exchange among the parties and the Court from September 20, 2021 through September 22, 2021.

28. Attached as **Exhibit G** (“Ex. G”) is a true and correct copy of email exchanges between counsel for the parties dated August 5, 2021 through September 23, 2021.

Dated: September 27, 2021  
New York, New York

  
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Stuart W. Yothers